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STATE of NEW JERSEY

*Executive Order
No. 21
Governor's Code
Fair Practices*

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under my hand and seal this 24th day of June
year of Our Lord, one thousand nine hundred
-five, and of the Independence of the United
e one hundred and eighty-ninth.

Richard J. Hughes

GOVERNOR

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Executive Order No. 21

WHEREAS, from the inception of this nation the people of this country have been dedicated to the credo enshrined in the Declaration of Independence, "that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness;"

WHEREAS, the Constitution of New Jersey has proclaimed these ideals guaranteeing that: "No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin;"

WHEREAS, the New Jersey Law Against Discrimination was adopted 20 years ago "for the protection of the public safety, health and morals and to promote the general welfare . . . in fulfillment of the provisions of the Constitution of this State guaranteeing civil rights;"

WHEREAS, in accordance with the principles of fair practices, we must strive to recognize the abilities and talents of every individual, while denying to no person his rightful opportunity because of race, creed, color, religion, national origin, ancestry, age, sex or liability for service in the armed forces of the United States;

WHEREAS, this year New Jersey enters the fourth century of its history during which it is particularly fitting that we should rededicate ourselves to those ideals which have made us great and which have inspired faith in this government by peoples from far-flung ends of the earth;

WHEREAS, the Federal Civil Rights Act of 1964 has translated the foregoing ideals into principles of federal law in many cases binding upon the states;

WHEREAS, a series of discussions and consultations with New Jersey citizens from all walks of life has made it clear that the public policy of this State would best be served by a formal codification, enumeration and updating of the broad variety of laws, policies and administrative practices on equal opportunity already in effect in New Jersey government;

NOW THEREFORE, I, RICHARD J. HUGHES, Governor of this State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby adopt the following Governor's Code of Fair Practices and hereby order and direct that said Code be the governing and guiding policy of the Executive Branch of the Government of the State of New Jersey:

Governor's Code of Fair Practices

ARTICLE I Appointment, Assignment and Promotion of State Personnel.

State officials and supervisory personnel shall recruit, appoint, assign, train, evaluate and promote State personnel on the basis of merit and qualifications, without regard for race, creed, color, religion, national origin, ancestry, age, sex or liability for service in the armed forces of the United States.

All State agencies shall issue instructions to carry out this policy to guarantee equal employment opportunity at all levels of State government.

Personnel practices shall be regularly reviewed, and to the extent feasible, orientation programs shall be conducted for supervisory and other employees with emphasis on human relations and fair practices in employment.

The Civil Service Commission shall continue to take appropriate steps to insure that all examinations, oral and written, and appointments from certified lists shall be carried out on a non-discriminatory basis. All State agencies shall adhere to the employment provisions of *N. J. Rev. Stat. 18:25-1 et seq.*, the New Jersey Law Against Discrimination, and *N. J. Stat. 10:1-1*, of The New Jersey Civil Rights Act.

ARTICLE II Public Contracts

Every State contract or subcontract for construction on public buildings or for other public work or for goods and services shall contain provisions barring discrimination or differential treatment in employment because of race, creed, color, religion, national origin, ancestry, age, sex or liability for service in the armed forces of the United States. Such provisions shall be substantially in the following form so as to bind and encourage fair and non-discriminatory practices.

No Discrimination in Employment

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, religion, national origin, ancestry, age, sex or liability for military service. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, religion, national origin, ancestry, age, liability for military service, or sex. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, religion, national origin, ancestry, age, sex or liability for military service.

(c) The Contractor will send to each labor union or representative of workers with which the Contractor has a collective bargaining agreement or other contract or understanding a notice advising the said labor union or workers' representative of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will include the provisions of Par. (a) through (c) of this Section in every contract, and will require the inclusion of these provisions in every sub-contract entered into by any of its subcontractors, so that such provisions will be binding upon each such subcontractor, as the case may be. For the purpose of including such provisions in any construction contract or subcontract, as required hereby, the term "Contractor" and the term "Subcontractor" may be changed to reflect appropriately the name or designation of the parties of such contract or subcontract.

(e) The Contractor agrees that he will fully cooperate with the office of the Attorney General of the State of New Jersey, with any other office or agency of the State of New Jersey which seeks to deal with the problem of unlawful or invidious discrimination, and with all other State efforts to guarantee fair employment practices under this contract, and said Contractor will comply promptly with all requests and directions from the State of New Jersey or any of its officers or agencies in this connection, both before and during construction.

(f) Full cooperation as expressed in clause (e) foregoing shall include, but not be limited to, being a witness or complainant in any proceeding involving questions of unlawful or invidious discrimination if such is deemed necessary by any official or agency of the State of New Jersey, permitting employees of said Contractor to be witnesses or complainants in any proceeding involving questions of unlawful or invidious discrimination, if such is deemed necessary by any official or agency of the State of New Jersey, signing any and all documents involved in any proceeding involving questions of unlawful or invidious discrimination, the execution of which are deemed necessary by any official or agency of the State of New Jersey, participating in meetings, submitting periodic reports on the racial aspects of present and future employment, assisting in inspection at the construction site, and promptly complying with all State directives deemed essential by any office or agency of the State of New Jersey to insure compliance with all Federal and State laws, regulations and policies against racial or other unlawful or invidious discrimination.

(g) The (executive head of the Department or other agency which is a party to the contract, such as the State Treasurer or the State Highway Commissioner) of the State of New Jersey shall have the sole discretion and power to declare this contract null and void for any material breach of this provision upon 10 days' notice to the Contractor. In such event the Contractor shall become liable for any and all damages which shall accrue to the State of New Jersey including, but not limited to, the difference between the total cost of completion and the contract price under this agreement.

The responsible officer overseeing compliance with such fair practice and non-discrimination provisions shall be the executive head of such department or other agency of the State of New Jersey as is a party to the contract. Such responsible officer shall report to the Governor on progress made and developments occurring in this area.

ARTICLE III State Employment Services

All State agencies, including educational institutions, which provide employment referrals or placement services to public or private employers, shall accept job orders on a fair practice basis. Any job request indicating an intention to exclude any person because of race, creed, color, religion, national origin, ancestry, age, liability for service in the armed forces, or sex shall be rejected.

All State agencies shall cooperate in programs developed by the Division on Civil Rights initiated for the purpose of broadening the base for job recruitment and shall further cooperate with all employers and unions initiating such programs.

The Department of Labor and Industry shall fully utilize its knowledge of and jurisdiction over the labor market, contacts with job applicants, employers and labor unions, and the practices of employment agencies in order to promote equal employment opportunities.

ARTICLE IV State Facilities and Services

All services of every State agency shall be performed without invidious discrimination based upon race, creed, color, religion, national origin, ancestry, age, liability for service in the armed forces of the United States, or sex. No State facility shall be used in the furtherance of any discriminatory practice, nor shall any State agency become a party to any agreement, arrangement or plan which has the effect of sanctioning discriminatory practices. Each State agency shall critically analyze all of its operations to ascertain possible instances of non-compliance with this policy and shall initiate sustained, comprehensive programs to remedy any defect found to exist.

ARTICLE V State Licensing and Regulatory Agencies

State agencies shall not consider race, creed, color, religion, national origin, ancestry, or sex in granting, denying or revoking a license or charter.

ARTICLE VI Housing

All licensed real estate brokers, salesmen or their representatives, developers, corporations and other persons engaged in rental or sale of real property, and lending institutions shall abide by the relevant housing provisions of the New Jersey Law Against Discrimination and the rules and regulations of the New Jersey Real Estate Commission.

ARTICLE VII State Education, Counseling and Training Programs

All educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of State agencies, or in which State agencies participate, shall be open to all qualified persons, without regard to race, creed, color, religion, national origin, ancestry, sex or liability for military service. Such programs shall be conducted to encourage the fullest development of the interests, aptitudes, skills, and capacities of all students and trainees, with special attention to the problems of culturally deprived, educationally handicapped, or economically disadvantaged persons. Expansion of training opportunities under these programs shall also be encouraged with a view toward involving larger numbers of participants from those segments of the labor force where the need for upgrading levels of skill is greatest.

ARTICLE VIII Public Schools

It is the policy of the State of New Jersey, as originally articulated in decisions of the Commissioner of Education, that *de facto* segregation or racial imbalance in the public schools of this State be eliminated. It is also the policy of the State of New Jersey to preserve the neighborhood school system insofar as the policy of eliminating racial imbalance and *de facto* segregation in the public schools will not be hampered thereby.

The Department of Education shall continue its efforts toward assisting local school districts in the elimination of racial imbalance in the public schools of the State and in promoting fair employment practices for certified teachers, and shall also encourage the widest participation in programs of human relations training for school administrators, teachers and students.

ARTICLE IX Private Educational Institutions

All private educational institutions licensed or chartered by the State, including professional, business, and vocational training schools, shall comply with the State policy of non-discrimination in their student admissions and other practices as a condition of continued participation in any State program or eligibility to receive any form of State assistance.

ARTICLE X State Financial Assistance

Race, creed, color, religion, national origin, ancestry or sex

shall not be considered as limiting factors in State-administered programs involving the distribution of funds to qualified applicants for benefits authorized by law; nor shall State agencies provide grants, loans or other financial assistance to public agencies, private institutions or organizations which engage in discriminatory practices of an invidious nature.

ARTICLE XI Cooperation with the New Jersey Division on Civil Rights

All State agencies shall cooperate fully with the Department of Law and Public Safety and in particular with the New Jersey Division on Civil Rights in that Department in both their enforcement and education programs. They shall comply with the Department or Division's requests for information concerning practices inconsistent with the State policy against discrimination and shall follow their recommendations for effectuating and implementing that policy. The Division on Civil Rights shall continue to augment its enforcement and education programs which seek to eliminate all invidious discrimination.

ARTICLE XII Law Enforcement

Through the Attorney General's office, the State shall encourage local law enforcement agencies to develop special training programs in the field of human relations and to promote mutual understanding and respect for the law enforcement officer's duty to maintain the peace and the citizen's right to protection of his constitutional guarantees.

ARTICLE XIII Reports

All State agencies shall report periodically to the Governor or specially upon his request with respect to programs undertaken to insure the effectuation of this Code. Such reports shall cover both internal activities and external relations with the public or with other State agencies and shall contain other information as specifically requested by the Governor.

ARTICLE XIV Posting

Copies of this Code shall be distributed to all State officials and agencies and the governing boards of all political subdivisions of the State, and shall be posted in prominent locations in all State or local governmental facilities.